

# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	10/019,167	12/20/2001	Hanh Nguyen Ngoc	427.051	6239	
	7590 12/15/2003 Bierman Muserlian and Lucas 600 Third Avenue New York, NY 10016			EXAMINER NAZARIO GONZALEZ, PORFIRIO		
				ART UNIT	PAPER NUMBER	
	·			1621	d	
		,		DATE MAILED: 12/15/2003	DATE MAILED: 12/15/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)										
Office Action Summany	10/019,167	NGUYEN NGOC ET AL.										
Office Action Summary	Examiner	Art Unit										
	Porfirio Nazario-Gonzalez	1621										
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply												
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status												
2a) This action is <b>FINAL</b> . 2b) ⊠ This	action is non-final.											
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.												
Disposition of Claims												
4) Claim(s) 1-8 and 12-18 is/are pending in the a	4)⊠ Claim(s) <u>1-8 and 12-18</u> is/are pending in the application.											
4a) Of the above claim(s) is/are withdrawn from consideration.												
5)⊠ Claim(s) <u>1-8,12,13 and 15-18</u> is/are allowed. 6)⊠ Claim(s) <u>14</u> is/are rejected. 7)□ Claim(s) is/are objected to.												
						8) Claim(s) are subject to restriction and/or election requirement.						
						Application Papers						
9)⊠ The specification is objected to by the Examiner.												
,	10) $\boxtimes$ The drawing(s) filed on <u>20 December 2001</u> is/are: a) $\boxtimes$ accepted or b) $\square$ objected to by the Examiner.											
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).											
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).											
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.												
Priority under 35 U.S.C. §§ 119 and 120												
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of: <ol> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ol> </li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> <li>13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78. <ol> <li>a) The translation of the foreign language provisional application has been received.</li> </ol> </li> <li>14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</li> </ul>												
Attachment(s)												
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3</li> </ol>	5) D Notice of Informal P	(PTO-413) Paper No(s) latent Application (PTO-152)										

Application/Control Number: 10/019,167

Art Unit: 1621

#### **DETAILED ACTION**

### **Priority**

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

## Specification

- 2. The disclosure is objected to because of the following informalities:
  - a. Inclusion of a drawing in the specification, particularly see page 11. 37 CFR 1.58(a).

Appropriate correction is required.

# Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claim 14 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 97/42197 A. The '197 WO patent discloses polymers made by the catalytic polymerization of propylene oxide, lactic acid and/or glycolic acid. See Examples 8-11.

## Allowable Subject Matter

5. Claims 1-8, 12, 13 and 15-18 are allowed. The prior art does not discloses or teaches the compounds as in claim 1 where M is a Group 12 element of the Periodic Table.

Page 3

Application/Control Number: 10/019,167

Art Unit: 1621

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Porfirio Nazario-Gonzalez whose telephone number is 703-308-4632. The examiner can normally be reached on Mon.-Thur. (7:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703-308-4532. The fax phone number for the organization where this application or proceeding is assigned is 703-308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

offirio Nazario-C rimary Examiner

Art Unit 1621

**PNG** 

December 10, 2003